

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**Docket Number: CTCH-1630
[2123-4C]In re Patent Application of: **Robert H. Grubbs, et al.**Application No. **NEW**Filed: **HEREWITH**For: **HIGH METATHESIS ACTIVITY RUTHENIUM AND OSMIUM METAL CARBENE
COMPLEXES**

Petitioner, California Institute of Technology, is the owner of 100 percent interest in the instant application by assignment, recorded in parent U.S. Application No. 08/693,789 in the Patent and Trademark Office on October 10, 1996, at Reel 8183, Frame 0314, or for which a copy thereof is attached. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,312,940. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Date: January 14, 1998

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☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.